Application No. 10/735,433   Docket JP920030163US1
Filing Date   12/12/2003

REMARKS

The Office action states that the inventive entity "Palliyll" of the instant application is "not spelled in the same way" as is specified in the oath of the specification, where the inventive entity is spelled as "Palliyil," and the examiner requests applicant to submit which spelling configuration of the aforementioned inventive entity is the correct one. Applicant assumes the Office action's reference to the instant application not being spelled in the same way is intended to convey that the name "Palliyll" on the *filing receipt* of the instant application is not the same as "Palliyil" in the oath that Applicant filed.

Applicant wishes to thank the Examiner for noticing this and pointing it out. Applicant hereby requests that the Examiner correct the filing receipt to conform to the spelling "Palliyil," as in the oath.

Election in response to restriction

Applicant hereby confirms the election of claims 1-18 and 30-32, which have been designated as group I, responsive to Examiner's restriction requirement.

Rejections under 35 U.S.C. 101

The Office action rejects claims 17-18 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 17-18 are herein canceled and claims 36-39 are herein submitted to overcome the rejection. No new matter is added. See original claims 2, 17-18; amended claims 1, 3 and 5; discussion of amended claims 1, 3 and 5 and new claim 33 herein below; and specification, page 10 , line 10 - page 11, line 28 (discussing computer program product).

Prior art rejections

The Office action rejects:

i) claims 1-2, 6-18 and 30 under 35 U.S.C. 102(b) as being anticipated by Vermeulen (U.S. PGPUB 20010042171);

ii) claims 3-4 under 35 U.S.C. 103(a) as being unpatentable over Vermeulen (U.S. PGPUB 20010042171) as applied to claims 1-2, 6-18, and 30 and in view of Carpentier et al. (U.S. PGPUB 20040068652); and

iii) claim 5 under 35 U.S.C. 103(a) as being unpatentable over Vermeulen (U.S. PGPUB 20010042171) as applied to claims 1-2, 6-18, and 30, and in view of Carpentier

Application No. 10/735,433   Docket JP920030163US1
Filing Date   12/12/2003

et al. (U.S. PGPUB 200410068652) as applied to claims 3-4, and further in view of

Sekiguchi et al. (U.S. Patent 6,434,553).

Claims 3, 4 and 8-18 are herein canceled, claims 1 and 5 are herein amended, and

new claims 33-43 are added to overcome the rejections. More specifically, all elements,

steps and limitations of claim 3 are incorporated into claim 1. Also, claim 5 is amended to

more certainly ensure that the claim is clear and definite regarding its reference to bits

arranged in a sequence and its reference to combining. Further, claim 5 is amended to

move reference to retrieving size information to a new claim 33, and claim 33 is added to

also particularly point out that the method includes "completing the combining

responsive to a total number of bits retrieved reaching the indicated size of the first

required resource." No new matter is added. See specification, page 4 , lines 20-22

("When the total number of bits retrieved reaches the known file size of the required

resource, the two portions can be combined to build a full copy of the resource.").

The Office action also rejects:

i) claim 31 under 35 U.S.C. 103(a) as being unpatentable over Vermeulen (U.S.

PGPUB 200110042171) as applied to claims 1-2, 6-18, and 30 and in view of Alshab et

al. (U.S. PGPUB 200510138081); and

ii) claim 32 under 35 U.S.C. 103(a) as being unpatentable over Vermeulen (U.S.

PGPUB 200110042171) as applied to claims 1-2, 6-18, and 30 and in view of Margolus

et al. (U.S. PGPUB 200210038296).

Claims 31 and 32 are herein canceled.

Carpentier teaches away from "initiating retrieval of the required resource

via said bandwidth-sensitive connection in parallel with initiating retrieval

of the required first resource from said at least one data processing

system," as set out in amended claim 1 of the present application.

The Office action states that Carpentier teaches that which was previously set out

in claim 3 and is now set out in claim 1, i.e., "initiating retrieval of the required resource

via said bandwidth-sensitive connection in parallel with initiating retrieval of the required

first resource from said at least one data processing system," comparing this to "Multiple

silos on a network may be configured in parallel so that different silos store the same information." The Office action goes on to state the following:

> Thus, when an asset is requested by a client, that information may be provided by any of the silos which happen to have the asset. In one embodiment, the silo that responds to a request is selected simply by allowing the silo which is able to respond first be the one that responds to the asset request" (Paragraph 51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching Carpentier's would have allowed Vermeulen's to provide a method for allowing a large amount of flexibility in determining which silos respond to a given request and how much redundancy of stored information is provided, as noted by Carpentier (Paragraph 51).

Applicant respectfully submits that this does not teach what is claimed. Applicant submits that Carpentier's reference to silos being "configured in parallel" is not about *"initiating retrieval . . . in parallel,"* but rather is merely about *setting up* , i.e., initializing, an arrangement that works in a manner "so that different silos store the same information." *"Initiating* retrieval," as claimed, should not be confused with configuring or *initializing* silos, as taught by Carpentier. According to its definition, "initiate" means "To set going by taking the first step; begin. . . See Synonyms at begin." The American Heritage® Dictionary of the English Language, Fourth Edition. Houghton Mifflin Company, 2004. 22 Nov. 2006. <http://dictionary.reference.com/> By contrast, "initialize" means "To set (a starting value of a variable)." Id.

It should be understood that in claim 1 of the present application the term "initiating retrieval" is used to convey the meaning "beginning retrieval," i.e., to convey that retrieval *begins* but does not instantaneously end. This is consistent with the language in claim 1 about "initiating retrieval of the required first resource via said bandwidth-sensitive connection *in parallel* with initiating retrieval of the required first resource from said at least one data processing system" (emphasis added). It is also consistent with the language of amended claim 5 about "initiating retrieval of the *bit sequence*" (emphasis added). This conveys that the retrieval begins and that this includes retrieving bits in a certain sequence, i.e., not instantly. It is also consistent with the language of amended claim 5 about "combining portions of the bit sequence of said required first resource received via the bandwidth-sensitive connection and received from said at least one data processing system to build the bit sequence of said required first resource" and new claim

Application No. 10/735,433   Docket JP920030163US1
Filing Date   12/12/2003

33 about "completing the combining responsive to a total number of bits retrieved reaching the indicated size of the first required resource."

When Carpentier, paragraph 51, is taken as a whole, it is clear that Carpentier actually *teaches away* from what is claimed in the present case, since it states that "In one embodiment, the silo that responds to a request is selected simply by allowing the silo which is able to respond first be *the one* that responds to the asset request" (emphasis added). And it states that "when other silos that also have the information see that the request has been responded to, they need not respond." Also, Carpentier, paragraph 51, states that "In other embodiments, other ways of balancing loads between *parallel* silos may be used. For example, silos may have a hierarchical structure where certain silos are given the opportunity to respond within a certain period of time; after that time expires, other silos are allowed to respond," which again makes it clear the reference to "parallel" by Carpentier does not refer to *beginning retrieval* in parallel, but rather merely that the silos that may respond exist in parallel.

For at least the above reasons, Applicant submits that claim 1 is patentably distinct, that claims 36 and 40, which have similar language, are patentably distinct. Also, the remaining claims, which depend on claims 1, 36 or 40 are, likewise, patentably distinct.

> Sekiguchi does not teach or suggest "initiating retrieval of the bit sequence of said required first resource in a reverse order relative to the retrieval of said required first resource via the bandwidth-sensitive connection; and . . . combining portions of the bit sequence of said required first resource received via the bandwidth-sensitive connection and received from said at least one data processing system to build the bit sequence of said required first resource," as set out in amended claim 5 of the present application.

The Office action states that Sekiguchi teaches that "the step of initiating retrieval of the required resource from said at least one data processing system comprises initiating retrieval of resource size information and initiating retrieval of the bit sequence of said resource in a reverse order relative to the retrieval of said resource via the bandwidth-sensitive connection" as "converting a request to access any one of partial files

Application No. 10/735,433   Docket JP920030163US1
Filing Date   12/12/2003

using the corresponding partial file name into a request to access the entire file to which the requested file belongs; whereby the file as a whole is read out ... a plurality of partial files which tend to be read out consecutively are managed as a single file" (Column 2, lines 48-55) and "combining portions of the bit sequence of said resource received via the bandwidth-sensitive connection and received from said at least one data processing system to build the bit sequence of said resource" as "converting a request to access any one of partial files using the corresponding partial file name into a request to access the entire file to which the requested file belongs; whereby the file as a whole is read out ... a plurality of partial files which tend to be read out consecutively are managed as a single file" (Column 2, lines 48-55).

What the cited passage of Sekiguchi teaches is that "In carrying out the invention and according to one aspect thereof, there is provided a file prefetch control method for use with a computer system, including the steps of: dividing a file into a plurality of partial files furnished with a partial file name each; and converting a request to access any one of the partial files using the corresponding partial file name into a request to access the entire file to which the requested partial file belongs; whereby the file as a whole is read out. With this method, a plurality of partial files which tend to be read out consecutively are managed as a single file. *A request to read any one of such partial files is arranged to trigger prefetch of the other partial files that are likely to be read out together.*" Sekiguchi, col. 2, lines 44-56 (emphasis added). This is contrasted to a prior art prefetch scheme that "is arranged to judge whether the access operation about to take place is sequential or not on the basis of the most recently read logical *block* and of the logical disk block to be read this time. It follows that the scheme is effective only in the case of sequential access to *a given file*. Prefetch operations are not performed conventionally on *a plurality of files* likely to be read in sequence ... It is therefore an object of the present invention to provide a method for prefetching a plurality of files that are accessed continuously." Sekiguchi, col. 2, lines 25-36 (emphasis added).

In other words, Sekiguchi's teaching is about how files can be mapped to logical storage blocks such that prefetching can recognize an access to sequential logical storage blocks even though the access involves multiple files. This does not teach or suggest

Page 12 of 14

"initiating retrieval of the bit sequence of said required first resource in a reverse order relative to the retrieval of said required first resource via the bandwidth-sensitive connection; and . . . combining portions of the bit sequence of said required first resource received via the bandwidth-sensitive connection and received from said at least one data processing system to build the bit sequence of said required first resource," as claimed. What this claim language conveys is that two portions of a *single* file are fetched from two locations and then combined into one. What Sekiguchi's teaching conveys is how *multiple* files may trigger prefetching.

For at least the above reasons, Applicant submits that claim 5 is patentably distinct, that claims 34, 38, and 42 which have similar language, are patentably distinct. Also, claims 33, 35, 39 and 43, which depend on claims 5, 34, 38 or 42 are, likewise, patentably distinct.

Application No. 10/735,433   Docket JP920030163US1

Filing Date   12/12/2003

PRIOR ART OF RECORD

Applicant has reviewed the prior art of record cited by but not relied upon by

Examiner, and asserts that the invention is patentably distinct.

REQUESTED ACTION

Applicant contends that the invention as claimed in accordance with amendments

submitted herein is patentably distinct, and hereby requests that Examiner grant

allowance and prompt passage of the application to issuance.

Respectfully submitted,

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